

# OCT 17 2003 TC 1700

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 9619

Seiji NONAKA et al.

Docket No. 2000-1402

Serial No. 09/679,308

Group Art Unit 1745

Filed October 6, 2000

Examiner J. Mercado

ELECTRODE METAL MATERIAL, CAPACITOR AND BATTERY FORMED OF THE MATERIAL AND METHOD OF PRODUCING THE MATERIAL AND THE CAPACITOR AND BATTERY

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### **RESPONSE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of July 11, 2003, Applicants submit the following remarks in support of the allowance of the present application. Further and favorable reconsideration is respectfully requested in view of these remarks.

Thus, the rejection of claims 1, 3-10 and 121 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 5-11 of Nonaka et al., as well as the rejection of claims 122 and 123 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 5-11 of Nonaka et al. in view of Phillips, are respectfully traversed.

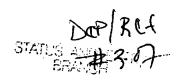
The Nonaka et al. reference (USP 6,493,210) is the patent which issued from the divisional application of the present application. During prosecution of the present application, the Examiner required restriction among (I) claims 1-10 and 223-34 drawn to an electrode and a capacitor, (II) claims 11-23, 35-53 and 80-120 drawn to a period of forming an electrode and a

11706/2003 PFE

Adjustment date: 06/18/2004 EEKUBAY1 11/06/2003 PFENNELL 00000001 230975 09679308 01 FC:1251 110.00 CR \*13.5

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2001 MAY 17 Fil 12: 46

In re application of

Seiji NONAKA et al.

Attn: ACCOUNTING DIVISION

**REFUND BRANCH** 

Serial No. 09/679,308

Filed October 6, 2000

Attorney Docket No. 2000-1402

ELECTRODE METAL MATERIAL, CAPACITOR AND BATTERY FORMED OF THE MATERIAL AND METHOD OF PRODUCING THE MATERIAL AND THE CAPACITOR AND BATTERY Confirmation No. 9619

**REQUEST FOR REFUND** 

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEE FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975.

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants' attorney has been informed that his PTO Deposit Account (No. 23-0975) was charged \$110.00 on November 6, 2003 in connection with an Extension of Time. Perhaps this was in connection with a response to the Office Action of July 11, 2003. However, a Response to the Office Action was timely filed within the three month time period, on October 10, 2003. Please see the attached copy of the postcard receipt for this response.

Under these circumstances, Applicants' attorney request a refund of \$110.00, which should be credited to his PTO Deposit Account (No. 23-0975).

Respectfully submitted,

Seiji NONAKA et al.

By:

Amy E. Pulliam

Registration No. 55,965 for

Michael R. Davis

Registration No. 25,134

Attorney for Applicants

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2004 MAY 17 PH 12: 46

Due Date: October 11, 2003

**ATTY DOCKET #: 2000-1402** 

Confirmation No. 9619

**OUR REF:** 2000-1402/MRD/00177

Seiji NONAKA et al. Applicant:

Serial No.: 09/679,308 Filing Date: October 6, 2000

Title: ELECTRODE METAL MATERIAL, CAPACITOR AND BATTERY FORMED OF THE MATERIAL AND METHOD OF PRODUCING THE MATERIAL AND THE

CAPACITOR AND BATTERY

#### Receipt of the following papers is acknowledged:

Response



Date: October 10, 2003

Attorney: MRD/nk

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